



TPA Will and Powers of Attorney Program

Template Instructions

Fill in the fields on the first page. These fields are common to the documents and pre-populate on the later pages.

NOTE: In order to pre-populate the fields certain assumptions are made (for example, that you will designate your spouse as your primary Executor). If the assumption is incorrect you can change it on the document.

Use complete Legal names for all name fields.

If a field is not applicable then leave it blank.

You can modify individual fields by selecting them on the documents.

If you are unsure of a field then hover your cursor over it and an explanation will appear.

Your information:

Name

Address

City/Town

County

Province

Spouse's Information:

Name

Address

City/Town

County

Province

Executor #1 Information:

Name

Address

City/Town

County

Province

Executor #2 Information:

Name

Address

City/Town

County

Province

Last Will and Testament

This is the Last Will and Testament of me, _____,

presently residing at _____,

in the City/Town of _____, in the County of _____, and
Province of Ontario.

1. Revocation

I revoke all Wills and other testamentary dispositions, including Codicils, previously made by me.

2. RRSPs, RIFs and Pension Funds

If any amount, refund of premiums, or other benefits which may become payable or available after the date of my death out of any registered retirement savings plan, registered income plan, registered income fund, pension plan or fund of which I may be a member or participant are payable to my Trustee, and for which the beneficiary has not already been designated, I direct my Trustee to transfer such plan benefits to my spouse, for his/her own use absolutely provided he/she is living on the 30th day after my death, and if my spouse is not living on the 30th day following my death, then to

_____, of the

City/Town of _____, for his/her own use absolutely provided he/she is

living on the 30th day after my death, and if _____ is not living on the 30th day following my

death, then to _____, of the City/Town of

_____, and his/her legitimate children, then living, in equal shares.

3. Executor and Trustee

I appoint my spouse, to be the executor and trustee of my Will, but if my spouse does not survive me or otherwise is or becomes unwilling or unable to act as my executor and trustee before all the trusts set out in my Will have been fully performed, I appoint the following persons as alternates. Within my Will, I refer to the executor and trustee, original or substituted, as my "Trustee".

Alternate #1: Name _____

Address _____

Relationship to me _____

Alternate #2: Name _____

Address _____

Relationship to me _____

4. Gifts

I give all my property to my Trustee upon the following trusts:

- 1) Debts and Death taxes- My Trustee shall pay out of the capital of my estate all my just debts (including any income taxes payable respecting my income in the year prior to my death and in the year of my death to the date of my death). My Trustee shall pay out of the capital of my estate my funeral and testamentary expenses, and all succession duties, estate, gift, inheritance and death taxes (whether imposed pursuant to the law of this or any other jurisdiction) otherwise payable by any beneficiary under my Will or any Codicil or of any settlement made by me, or by any beneficiary named by me in any insurance policy, or in any plan or contract owned by me, or by any donee of any gift intentionally made by me.
- 2) Conversion of my assets- My Trustee shall call in the remaining assets of my estate and shall sell at such time for such price, and in such manner as my Trustee in the exercise of an absolute discretion considers appropriate. I authorize my Trustee to continue to hold any asset owned by me at the date of my death, without liability for loss or depreciation as long as my Trustee in the exercise of an absolute discretion considers it appropriate, notwithstanding it may not be an investment in which a trustee may by law invest trust funds.
- 3) Residue- If my spouse, is living on the 30th day following the date of my death, my Trustee shall transfer the residue of my estate to him/her for his/her own use absolutely.
- 4) Alternate residue- If my spouse, is not then living on the 30th day following my death, my Trustee shall

give the residue of my estate to _____ , _____ , of the
City/Town of _____ , for his/her own use absolutely provided he/she is
living on the 30th day after my death, and if _____ is not living on the 30th day following my
death, then to _____ , _____ , of the
City/Town of _____ , and his/her legitimate children, then living, in equal
shares.

- 5) Specified Bequests- My Trustee shall bestow the following specified bequests:

Name	City/Town	Relationship	Bequest (gift)

--	--	--	--

Attach additional sheets as necessary – be sure to have the Witnesses initial/sign the additional pages.

5. Payments for Minors

- 1) If any person becomes entitled to receive any share of my estate while that beneficiary is under the age of majority, I direct my Trustee to keep the share invested until the beneficiary attains the age of majority, and, in the meantime, my Trustee may pay or apply the income and capital or so much of it as my Trustee in the exercise of an absolute discretion considers necessary or advisable for the benefits of the beneficiary.
- 2) I authorize my Trustee to make any payments for any person under the age of majority which my Trustee is entitled to make under the terms of my Will to a parent or guardian or other person standing in loco parentis to that person, or to make any payment directly to that beneficiary or to any other person for that beneficiary, all as my Trustee in the exercise of an absolute discretion considers appropriate. Any evidence that my Trustee has made any payment as an exercise of discretion shall be a sufficient discharge to my Trustee without the requirement of any receipt.
- 3) I appoint the following person to look after my children until they reach 18 years of age

Name _____

Address _____

Relationship to me _____

6) Powers of Trustee

In order to carry out the provisions of my Will, I give my Trustee the following powers to be used in the exercise of an absolute discretion at any time:

- 1) Investments- My Trustee may make any investments for my estate that my Trustee considers, and that are, prudent and appropriate, including units or other interests of any mutual funds, common trust funds, unit trusts, or similar investments, without being limited to those investments authorized by law for trustees. My Trustee shall not be liable for any loss that may happen to my estate as a result of any investment made by my Trustee in good faith.
- 2) Selling and disposing- My Trustee may sell or dispose of any assets or investments, subject to the trusts of this Will, at any time and in any manner and either for money or for other assets or investments.
- 3) Retention of assets- My Trustee may hold any of my assets or investments in the form in which they may be at the time of my death for any length of time, notwithstanding that they may not be assets or investments in which trustees would otherwise be entitled by law to invest trust moneys. Those assets or investments so retained shall be deemed to be authorized investments for the purposes of my Will.
- 4) Distribution in specie- My Trustee may make any division, distribution or allocation of the assets of my estate in specie and at such valuations as my Trustee in the exercise of an absolute discretion considers appropriate. In determining such valuations, my Trustee may consider future expectations relating to such assets as my Trustee in the exercise of an absolute discretion considers appropriate, including any tax liability or credit. Any decision of my Trustee in this regard shall be binding on all the beneficiaries of my estate.

- 5) Employment of agents- If my Trustee in carrying out any direction considers it necessary in the exercise of an absolute discretion to engage a corporation, person, or persons to carry out some or all of the directions, my Trustee may employ the corporation, person, or persons and to compensate the corporation, person, or persons out of my estate, in such manner as my Trustee considers appropriate.
 - 6) Real Property- If any real or leasehold property forms part of my estate, my Trustee may lease the property for any term and subject to such covenants and conditions, as my Trustee considers appropriate. My Trustee may accept surrenders of leases and tenancies, expend money out of the income or capital of my estate for repairs and improvements, and generally manage the property. My Trustee may give any options with respect to the property or properties that my Trustee may consider advisable, renew and keep renewed any mortgage upon the real property, borrow money on the real property upon mortgage, and pay off any mortgage which may be in existence at the time of my death or any renewal thereof.
 - 7) Loans to beneficiaries- My Trustee may lend money or other assets of my estate, or guarantee or continue any existing guarantees for loans, to any beneficiary of my Will, or any company owned or controlled by my estate or by any beneficiary or in which my estate or beneficiary may have an interest, for such length of time and upon such terms and at such rate of interest or without interest, and with such security or without security, all as my Trustee in the exercise of an absolute discretion considers appropriate.
 - 8) Borrowing- My Trustee may borrow on behalf of my estate such amounts as my Trustee considers appropriate and may mortgage or otherwise charge any of the assets of my estate.
 - 9) Settlement of claims- Without the consent of any persons interested under my Will and any Codicil to it, my Trustee may settle or waive any claim due to, or by, the estate and may make any agreement with anyone which shall be binding upon all the beneficiaries of my estate.
 - 10) Securities- My Trustee may deal with any securities, shares, obligations or other interests of any organization which shall be from time to time held by my estate, to the same extent and as fully as I could if I were alive. My Trustee may take up new or further shares, rights, obligations or other interests, join in plans for reorganization, exchange shares, rights, obligations or other interests, and may give, receive and exercise options, and pay out of my estate any moneys necessary for any of the above purposes.
 - 11) Elections- My Trustee may at any time make, or not make, any election, determination or designation, or do, or not do, any other act or deed, or exercise any discretion or authority referred to in the Income Tax Act, R.S.C. 1985, which my Trustee considers in the best interests of my estate and my beneficiaries
 - 12) Transactions with Trustee- In my Trustee's personal capacity, my Trustee may purchase assets from my estate provided that the purchase price, terms and conditions of the purchase must be unanimously approved by my Trustee and by the adult beneficiaries of my estate. My Trustee shall not be required to obtain the approval of any court for the purchase.
 - 13) RRSP Contribution- My Trustee shall make such contribution as my Trustee in the exercise of an absolute discretion considers appropriate to any registered retirement savings plan of which I am the annuitant at the date of my death at any time between the date of my death and sixty (60) days after the end of the calendar year in which I die.
7. Exclusions from Net Family Property
- 1) I declare that the income, including capital gains, arising from any interest passing to any beneficiary under my Will shall be excluded from such beneficiary's net family property or from the value of the beneficiary's

assets at the death, divorce, or separation of such beneficiary, pursuant to the Family Law Act, R.S.O. 1990, c.F.3.

- 2) All gifts made to a beneficiary shall be the separate property of my beneficiaries and shall not fall into any Community of Property or be subject to any other matrimonial rights of the spouses of the beneficiaries and shall not be liable for the obligations of any such spouses or Community. All such gifts shall not be subject to seizure for the payment of any debts of beneficiaries or their representatives while in the possession and control of my trustee.

8. Compensation

I authorize my Trustee to take at reasonable intervals from the income and capital of my estate amounts on account of compensation which my Trustee reasonably anticipates will be requested at the end of the accounting period in progress, either upon the audit of the estate accounts or on approval by the beneficiaries of my estate. If the amount subsequently awarded on court audit or agreed to by the beneficiaries is less than the amount so taken, the excess shall be repaid to my estate without interest.

9. Headings

The paragraph headings used in my Will are for convenience only and shall not be construed to affect the meaning of a paragraph so headed.

10. Governing Law

My Will shall be governed by and construed in accordance with the laws of the Province of Ontario.

I sign my name to my Last Will and Testament, written on these five pages of paper, this _____ day of _____
[1st, 4th, 21st, etc]

_____, 20____.
[Month] [Year]

SIGNED, PUBLISHED AND DECLARED)
by the said Testator, _____)
as and for his last Will and Testament,)
in the presence of us, both present at)
the same time, who at his request, in his)
presence and in the presence of)
each other, have subscribed our)
names as witnesses.)

Signature: _____

Witness #1: Signature: _____ Name: _____

Address: _____

Witness #2: Signature: _____ Name: _____

Address: _____

CONTINUING POWER OF ATTORNEY FOR PROPERTY

THIS CONTINUING POWER OF ATTORNEY FOR PROPERTY is given by me, _____,

presently residing at _____,

in the City/Town of _____, in the County of _____, and
Province of Ontario.

1. Appointment

I appoint my spouse, _____, to be my attorney for property. I authorize my attorney to do, on my behalf, any acts which I can do by an attorney, and specifically anything in respect of property that I could do if capable of managing property, except make or revoke a will, subject to any conditions or restrictions contained in this Continuing Power of Attorney for Property. My attorney shall have the authority to act as my litigation guardian, if one is required to commence, continue, defend or represent me in any court proceeding.

2. Substitution

If the above appointed attorney refuses to act, or is or are unable to act by reason of death, court removal, becoming incapacitated or resignation, I substitute and appoint

_____, of the

City/Town of _____, to act as my attorney for my property, in the place of any attorney appointed in paragraph 1 hereof who refuses or is or are unable to act. The substituted attorney shall have my authority to do, on my behalf, any acts which I can do by an attorney, and specifically anything in respect of property that I could do if capable of managing property, except make or revoke a will, subject to any conditions or restrictions contained in this Continuing Power of Attorney for Property. My attorney shall have the authority to act as my litigation guardian, if one is required to commence, continue, defend or represent me in any court proceedings.

3. Power to Manage Property

This document is a continuing power of attorney for property under the Substitute Decisions Act, 1992, S.O. 1992, c.30, and may be used during my incapacity to manage property.

4. Revocation

Any prior power of attorney for property or any power of attorney which affects my property given by me, except a power of attorney given to a bank or financial institution for the purposes of transacting my business with that bank or financial institution, is hereby revoked.

5. Delegation

I authorize my attorney to delegate my attorney's authority to some other person and to revoke or suspend such delegation.

6. Family Law Act Consent

I authorize my attorney named to exercise all of my rights with respect to the disposition, encumbrance or possession of a matrimonial home under the Family Law Act, R.S.O. 1990, c.F.3, whether or not my name appears on the title, including consenting to any disposition or encumbrance by my spouse of any interest in our matrimonial home.

7. Obligations to Others

My attorney for property may manage my estate for my benefit, and for the benefit of any other person, including my attorney, to fulfill any legal obligation I may have.

8. Conditions and Restrictions

NONE

9. Compensation

I authorize my attorney for property to take compensation from my property in accordance with the fee scale prescribed by regulation for the compensation of continuing guardians of property made pursuant to s.40 (1) and 90 of the Substitute Decisions Act, 1992.

10. Revenue Canada

My attorney for property is my "legal representative" for all purposes of the Income Tax Act (Canada), with respect to any dealings with the Government of Canada, or any institution controlled by the Government of Canada or with any institution controlled by any province of Canada.

11. Effective Date

This Continuing Power of Attorney comes into effect on the date it is signed and witnessed.

Executed at _____ this _____ day of _____, 20____.
[City/Town and Province] [1st, 4th, 21st, etc] [Month] [Year]

in the presence of both witnesses, each present at the same time.

Signature: _____ Full Legal Name: _____

Address: _____

Please Note: The following people cannot be witnesses on a Power of Attorney for Property: the attorney or his or her spouse or partner; the spouse, partner, or child of the person making the document, or someone that the person treats as his or her child; a person whose property is under guardianship or who has a guardian of the person; a person under the age of 18.

Witness #1: Signature: _____ Name: _____

Address: _____

Witness #2: Signature: _____ Name: _____

Address: _____

CONTINUING POWER OF ATTORNEY FOR PERSONAL CARE

THIS CONTINUING POWER OF ATTORNEY FOR PERSONAL CARE is given by me, _____,

presently residing at _____,

in the City/Town of _____, in the County of _____, and
Province of Ontario.

1. Appointment

I appoint my spouse, _____, to be my attorney for personal care
pursuant to the Substitute Decisions Act, 1992, S.O. 1992, c.30.

2. Authority of Attorney

In accordance with the Substitute Decisions Act, 1992, and in the full knowledge that my attorney for personal care will act in accordance with the wishes I have expressed, I authorize my attorney for personal care to make on my behalf any decisions concerning my personal care, and to give or refuse consent on my behalf to any treatment to which the Health Care Consent Act, 1996, S.O. 1996, c.2, Sch.A, applies, as the attorney shall determine with full discretion.

3. Substitution

Please Note: A person who provides health care, residential, social, training, or support services to the person giving this power of attorney for compensation may not act as his or her attorney unless that person is also his or her spouse, partner, or relative.

If the above appointed attorney refuses to act, or is or are unable to act by reason of death, court removal, becoming incapacitated or resignation, or is not available to act at the time the necessity for a decision by an attorney for personal care arises concerning my personal care or treatment to which the Health Care Consent Act, 1996, applies (the question of necessity to be determined conclusively by a qualified medical person in attendance upon me), I

substitute and appoint _____, _____,

of the City/Town of _____, to act as my attorney for my personal care, in
the place of and with all of the powers conferred upon the attorney appointed in paragraph 1 hereof.

4. Restrictions

This power of attorney for personal care is only subject to those conditions or restrictions listed below and is given by me with the understanding that my attorney for personal care has a genuine concern for my welfare, and in full appreciation that the attorney may be required to make decisions to which this power of attorney relates.

5. Special Conditions

Please Note: If this area is left blank there are no restrictions or special conditions. Attach additional pages if needed.

6. Compensation

All expenses incurred by my attorney for personal care in carrying out duties (including obtaining an assessment of my capacity, if required) shall be payable by me or my attorney for property out of my assets.

7. Revocation

Any prior power of attorney for personal care or any prior power of attorney, which affects my personal care, given by me, is hereby revoked.

Executed at _____ this _____ day of _____, 20____.
[City/Town and Province] [1st, 4th, 21st, etc] [Month] [Year]

in the presence of both witnesses, each present at the same time.

Signature: _____ Full Legal Name: _____

Address: _____

Please Note: The following people cannot be witnesses on an Attorney for Personal Care: the attorney or his or her spouse or partner; the spouse, partner, or child of the person making the document, or someone that the person treats as his or her child; a person whose property is under guardianship or who has a guardian of the person; a person under the age of 18.

Witness #1: Signature: _____ Name: _____

Address: _____

Witness #2: Signature: _____ Name: _____

Address: _____